

BEST PRACTICES GUIDE FOR CONFERENCES

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Prepared by Conference Guidance Workgroup:

Steve Wilson, OCIR, Co-Chair

Ann Carey, OSWER, Co-Chair

Juanita Smith, OW, Co-Chair

Jeff Schwartz, Budget

Bill Thomson, OPPTS

Shirley Leonard, OAR

Margherita Pryor, ORD

John Cline, ORD

Esther Jones, ORD

Jim Drummond, OGC

Sylvia Horwitz, OGC

Elissa Karpf, OIG

Judy Vanderhoef, OIG

Gloria Car, Gulf of Mexico Program

HOW TO USE THIS GUIDE

This guide is structured to help you first identify the purpose of your conference and whose conference it is, since this should drive your choice of funding instruments and many of your subsequent conference decisions. You should use the indicators in Chapter 1 as a starting point to determine whose conference it is. Once you have decided whose conference it is, you will be guided to Chapters 2, 3, or 4, which will describe the appropriate funding instruments for the conference and the conference-related funding issues you should consider. Chapter 5 addresses proper documentation of conferences. Lastly, a list of references by subject matter is attached to assist you if you need to consult additional references.

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INTRODUCTION

Conferences, large and small, play an important role in fulfilling EPA's mission. They can be an effective way to bring together various groups of people to share information, educate the public, work with state and local government partners, train employees, and learn from non-governmental stakeholders. Conferences are also a useful way for nonfederal entities, such as universities, state and local governmental environmental agencies, and intergovernmental groups to carry out environmentally related work for which they receive funding from the Agency. For purposes of this guide, the term "conference" encompasses workshops, seminars, symposia, conventions, or similar designations for business related gatherings that involve topics related to EPA's mission of environmental protection.

The range of stakeholders playing integral roles in agency-related activity has grown, as has the use of conferences to convene various groups for a variety of purposes. As the Agency and others have expanded the use of conferences, issues have arisen in connection with conference planning, particularly with funding. The Office of Inspector General (OIG) audited several conferences and identified a number of recurring problems. As a result, an intra-Agency workgroup was established to develop a guide for Agency personnel to use in funding, and assisting others with, conferences of all kinds. The Best Practices Guide for Conferences is the result of the workgroup's efforts.

The guide begins by asking "**Whose conference is it?**" By defining the purpose of the conference, the planner can determine whether it is: (1) "**ours,**" an EPA conference or one that EPA sponsors with other federal agencies, or (2) "**theirs,**" one held by a nonfederal sponsor that EPA supports with financial assistance, or (3) a "**jointly sponsored**" conference, benefiting both the Agency and a nonfederal entity. Sometimes, the answer to this question will be obvious and sometimes you will have choices as to how to answer the question, depending on the topics for the conference and EPA's role in the conference.

Once the question "Whose conference is it?" has been answered, the guide describes appropriate acquisition and assistance funding mechanisms available for various types of conferences. The guide also outlines major funding issues associated with conference support, such as invitational travel, non-invitational participant travel, meals, conference materials, and other expenses. It also includes information on when and how registration fees can be collected, honoraria, and ethical considerations.

The guide is not the last word on conferences. It is not meant to be used as a "how to" guide for planning conferences. The emphasis of the guide is addressing funding concerns. For most areas that are addressed, it is just the starting point. There are references to statutes, regulations, other agency guidance documents, and EPA Ethics Advisories that should be consulted. Agency personnel in the Office of Acquisition Management (OAM), the Grants Administration Division (GAD), the Office of the Chief Financial Officer, and the Office of General Counsel's (OGC) Finance and Operations Law Office or Regional Counsel should also be consulted as needed.

CHAPTER 1: WHOSE CONFERENCE IS IT?

Any conference that EPA supports or holds must be related to its environmental mission. Before you begin the planning process, you should be able to justify the need and identify the statutory authority for the conference, and confirm that funds and, if appropriate, EPA staff resources are available. The planning process begins with determining the answer to the question, **"Whose conference is it?"** A conference that is intended primarily to help the Agency carry out its governmental functions is **"ours"** and is discussed in Chapter 2. A conference intended primarily for the benefit of a nonfederal entity is **"theirs"** and is discussed in Chapter 3. Finally, when the Agency and a nonfederal entity share control of the conference, it is **"jointly sponsored"** and is discussed in Chapter 4. The two key issues to consider are: (1) purpose of the conference, and (2) control of the planning and the agenda.

(1) Purpose of the Conference. The purpose of a conference is a decisive factor. The more the conference is needed by EPA, the more likely it is ours. For example, if the principal purpose of the conference is to provide EPA with a report, data, recommendations, or other information that we will use to develop or directly incorporate into EPA regulations or guidance documents, it is ours. Meetings and conferences conducted under the Federal Advisory Committee Act (FACA) are ours.

On the other hand, if the primary purpose is to help a nonfederal entity achieve its objectives, the conference is theirs. For example, a conference to facilitate nonfederal research is theirs, even if EPA provides the meeting space. When nonfederal entities meet to share information on environmental or scientific issues, the conference is also theirs, even if EPA provides financial assistance. Conferences sponsored by associations of state or tribal officials to discuss EPA programs implemented by these entities as co-regulators or as partners in a coordinated national effort are theirs as well in certain situations. However, if EPA is in fact a convener and a motivator for the conference, then the conference may be jointly sponsored rather than theirs.

Finally, if the conference assists the Agency and a nonfederal entity to accomplish mutual objectives, it may be jointly sponsored. For instance, if the Agency and nonfederal entities share an interest in promoting environmental awareness, such as recycling initiatives, a jointly sponsored conference may be appropriate. It may also be appropriate when EPA, state, and local government officials meet to share information about environmental problems.

(2) Control of the Planning and Agenda. The more control EPA or other federal agencies exercise over the agenda and selection of speakers, the more likely the conference is ours. For example, if conference scheduling is driven by the need to meet a regulation production deadline, the conference is ours. Similarly, if the Agency has control over speakers, attendees, and logistics, the conference is ours. However, if a nonfederal entity controls planning and agenda decisions, even with input from EPA, the conference is theirs. Finally, if the Agency shares control of these types of decisions, the conference may be jointly sponsored.

The following factors will provide you with more information to help you make the proper determination of whose conference it is.

DECISION INDICATORS: OURS

- The purpose of the conference is to:
 - ▶ discuss, evaluate, or plan a specific EPA activity or program
 - ▶ advise EPA on its operations (e.g., FACA)
 - ▶ solicit public or stakeholder input to official EPA actions or policy
 - ▶ develop official EPA positions on science or other policies
 - ▶ train EPA staff or other direct implementers of EPA regulations
 - ▶ generate information to be incorporated directly into official EPA positions, such as policy, regulations, or guidance
 - ▶ propose, announce, or explain EPA actions
 - ▶ disseminate mandated information
- EPA expects to control:
 - ▶ the agenda
 - ▶ the selection of speakers, panelists, and/or attendees
 - ▶ the duration, date, and location of the meeting

DECISION INDICATORS: THEIRS

- The purpose of the conference is to:
 - ▶ discuss, evaluate, or plan non-EPA or public/private initiatives to improve the environment
 - ▶ share information on environmental or scientific issues
 - ▶ support or stimulate public awareness of general environmental issues
 - ▶ facilitate informed public dialogue on environmental and policy questions
 - ▶ enhance management of non-EPA environmental programs
 - ▶ hold discussions by states and tribal associations of delegated environmental programs
- The nonfederal entity expects to control:
 - ▶ the agenda
 - ▶ the selection of speakers, panelists, and/or attendees
 - ▶ the duration, dates, and location of the meeting

DECISION INDICATORS: JOINTLY SPONSORED

- The purpose of the conference is for federal and nonfederal entities to:
 - ▶ advance a mutual interest
 - ▶ develop products for common goal(s)
- The co-sponsors include both federal and nonfederal entities and conference costs are shared
- Decisions are shared among the parties to the conference, including control of:
 - ▶ agenda planning
 - ▶ speaker selection
 - ▶ location selection
 - ▶ conference logistics

On the following page, a summary chart provides a side-by-side overview of the indicators of purpose and control to assist you in answering the question “Whose Conference is it?”

WHOSE CONFERENCE IS IT: OVERVIEW OF INDICATORS

	OURS (Chapter 2)	THEIRS (Chapter 3)	JOINT (Chapter 4)
PURPOSE	<ul style="list-style-type: none"> ▶ Discuss, evaluate, or plan a specific EPA activity or program ▶ Advise EPA on its operations (e.g., FACA) ▶ Receive public or stakeholder input to official actions or policy ▶ Develop EPA science and other policies ▶ Training for EPA staff or other implementers of EPA regulations ▶ Generate information to be used in official EPA products, e.g., guidance, regulations, or policies ▶ Propose, announce, or explain EPA actions to other government agencies, the public, or stakeholders ▶ Disseminate mandated information 	<ul style="list-style-type: none"> ▶ Discuss, evaluate, or plan a non-EPA initiative to improve the environment ▶ Share information on environmental or related scientific issues ▶ Support or stimulate public awareness of general environmental issues ▶ Facilitate informed public dialogue on environmental and policy issues ▶ Enhance management of non-EPA/nonfederal environmental programs ▶ Hold discussions by states and tribal associations of delegated environmental programs. 	<ul style="list-style-type: none"> ▶ Advance a mutual interest by serving both EPA’s mission and the substantive interests of the nonfederal co-sponsor(s) ▶ Develop products for common goals
CONTROL	<ul style="list-style-type: none"> ▶ EPA control of the agenda ▶ EPA control over selection of speakers, panelists, and/or attendees ▶ EPA control over logistics, such as duration, dates, and location 	<ul style="list-style-type: none"> ▶ Non-EPA control of the agenda ▶ Non-EPA control over selection of speakers, panelists, and/or attendees ▶ Non-EPA control over logistics, such as duration, dates, and location 	<ul style="list-style-type: none"> ▶ Shared control of the agenda ▶ Shared selection of speakers, panelists, and/or attendees ▶ Shared responsibility for logistical planning and decisions

If you have determined that your conference is EPA-sponsored, proceed to Chapter 2. If you have determined that it is theirs, proceed to Chapter 3. If the conference is going to be jointly sponsored, proceed to Chapter 4. If you are still unsure after reviewing these factors, you should contact OGC’s Finance and Operations Law Office or Regional Counsel for guidance.

CHAPTER 2: OUR CONFERENCE

A. EPA Conference -- Overview. Once you have reviewed Chapter 1 and decide that the conference is ours, there are three main ways that you can financially support it: (1) award a contract or issue a work assignment under an existing contract, if tasks are covered within the statement of work; (2) enter into an Interagency Agreement (IAG) to obtain services from another federal agency; or (3) conduct the conference using Agency personnel. All of these methods are appropriate ways to acquire services for our direct benefit and use. ***You cannot properly use a grant or cooperative agreement to support “our” conference.*** You also need to be aware of limitations relating to travel payments for conferences. This chapter lists and briefly describes instruments that can be used to support an EPA-sponsored conference.

B. Funding Instruments.

1. Contracts may be used to fund “components” of the conference, such as space and supplies, or they may be used to fund the whole conference, hiring a contractor to make most or all of the arrangements. There are at least four commonly used contracting methods. OAM can provide you with a helpful guide for conference contracting entitled, “Your Preparation Guide for Conferences/Meetings/Training.” It focuses on small purchases, but is also useful for other types of contracts. It includes copies of key policies and instructions on preparing a purchase request. Since the guide was written in May 1995, the small purchase limit has changed. It is currently \$100,000.

(a) Small items and services less than \$2,500, sometimes called **micro-purchases**, may often be purchased with a government credit card. Micro-purchases might include, for example, meeting room rental, supplies, and equipment rental. Consult a warranted bankcard holder for details on the use of such cards.

(b) More extensive services, up to a total of \$100,000, may be acquired through **simplified acquisition procedures**, formerly known as “small purchases.” You must be careful to specify exactly what you need, as well as the basis on which bids will be reviewed. For additional guidance on simplified acquisitions, consult the Contract Management Manual, Chapter 2, and OAM’s guidance, “Simplified Acquisitions Made Easy,” dated April 1998.

(c) Some types of support can be obtained using a **conference support contract**. A conference support contractor has little direct substantive interest in the conference and is simply in the business of providing logistical support services. Conference support contracts are often written to provide recurring logistical support for an Office. Individual conferences also can be supported by issuing Work Assignments or Delivery Orders under a **broader support contract**, provided such support is within the scope of the contract.

(d) Some conferences are funded under contracts with a contractor who has a direct interest in the conference as an **incidental task under a larger, broader contract’s scope of work**. For example, a contractor tasked to determine the current state of the art and recommend improvements in an area of chemical analytical techniques may need to convene a conference

Chapter 2: Our Conference (continued)

to assist in that determination, as an incidental part of doing the job. The Agency is the ultimate beneficiary, but the contractor is directly responsible for managing the conference.

Caution: In planning an EPA-sponsored conference, there may be situations where you need to exercise care in determining what, if any, contractor support may be appropriate. Some Agency conferences include candid discussions of sensitive budget, acquisition, and other planning information that should be safeguarded. Special controls should always be in place to ensure that contractors do not have inappropriate access to privileged and sensitive information (e.g., Confidential Business Information or procurement sensitive information). You should avoid situations where contractors may have access to information that would give them an unfair competitive advantage, or create an appearance of a conflict of interest. At any Agency conference, you should always identify contractors who are present and ensure that contractor support staff wear badges and identify themselves.

2. Interagency Agreements (IAGs). There are two types of IAGs: Economy Act IAGs and Cooperation Authority IAGs authorized by EPA program statutes. (*Note:* If EPA provides funds to another agency under an IAG, the IAG is subject to that agency's requirements, unless a specific term and condition imposes EPA's requirements.)

(a) You may want to use another federal agency to help with putting on your conference. For instance, a General Services Administration contract providing meeting logistics support could be used. The proper way to do this is through an **Economy Act IAG**. Economy Act IAGs are always intended to "acquire" services or property from another federal agency for the direct use of EPA. Therefore, it is improper for the other agency to award a grant or cooperative agreement to fulfill EPA's requirements. To use the Economy Act, both federal agencies must be responsible for conducting the proposed activities and authorized to use their appropriations for the work. The Economy Act specifies that the servicing agency must recover its expenses and it cannot cost share. As of 1996, EPA's Grants Administration Division (GAD) is required to prepare a "Determination and Finding" in support of an Economy Act IAG, which states that the IAG is not being used to avoid competitive contracting. You may be asked to provide information to help prepare this. Final approval of the Determination and Finding rests with OAM. For additional guidance, see memorandum from GAD Director to IAG Project Officers, "Interagency Agreement Decision Memorandum Guidance, Pre-award IAG Activities, and Subcontractor Selection," dated Sept. 30, 1996.

(b) **Cooperation Authority IAGs authorized by EPA Program Statutes** involve mutual cooperation and investment of resources between the cooperating federal agencies with an overlapping mission and interest in the project. For example, both agencies could contribute resources to a conference, whether in the form of salaries, equipment, travel, or contract services. GAD maintains a list of program statutes authorizing such cooperation. A list of the statutory and related authorities which authorize the Agency to enter into IAGs is provided as Attachment 4 to the previously referenced Sept. 30, 1996, memorandum from GAD Director to IAG Project Officers.

Chapter 2: Our Conference (continued)

3. Supporting Conferences with In-House Resources. EPA can also organize and conduct conferences using only its own staff. In addition to planning the substance of the conference, staff may carry out logistical arrangements such as identifying hotels and meeting space, taking minutes, and registering attendees.

C. Allowability of Costs -- Overview. Only a contracting officer has the authority to obligate government funds under a contract. In planning a conference, you must not make financial commitments to hotels or other vendors unless you have the authority to do so. Anyone who undertakes to commit the government without authority risks being held personally liable by the vendor for payment and may be subject to EPA disciplinary action. In working with a hotel to reserve space, you must make it clear that you do not have the authority to sign a contract, but are merely reserving space. Any short-term conference meeting space you obtain in the District of Columbia must be procured under 41 CFR 101-17.101. In addition, direct procurement or purchase of lodging facilities in the District of Columbia, without specific authorization and appropriation by Congress, is prohibited. See 40 U.S.C. 34.

Both EPA employees and contractors are responsible for assuring that costs for conference activities are allowable and reasonable. Agency staff responsibilities include performing a careful review of the proposed conference activities, the IAG or contract that funds the conference, work assignments/amendments, and invoices. These reviews are conducted to identify costs that are unreasonable and unallowable, or need further explanation or documentation. All reviews should be documented. Federal laws and regulations provide the basis for authorizing and paying for costs. Necessary and reasonable costs are for work that benefits the project and are within the project's scope. For further guidance, we recommend you consult the FAR Part 31, "Contract Cost Principles and Procedures."

1. Meals, Snacks, and Refreshments. For additional guidance in this area, we recommend you consult OAM Procurement Policy Notice 94-10, "Contracting for Meals and Refreshments for Government Employees" and the EPA Travel Manual, Chapter 5.

(a) Meals. Appropriated funds may not be used to pay subsistence or provide food to government employees at their official duty stations or when not on official travel status. See the EPA Travel Manual, Chapter 5.1.b.(3).

(b) Snacks and Refreshments. Refreshments, such as snacks, alcoholic beverages and coffee, are not considered necessary expenses and may not be included as part of the conference room fee, nor can mandatory registration fees be used to pay these expenses. However, conference participants can "pass the hat" for voluntary contributions for coffee and snack expenses.

(c) Exceptions Under Government Employee Training Act, 5 U.S.C. 4101. Under this Act, EPA can provide meals, snacks, and refreshments to its employees if necessary to achieve the objectives of the training program, and may furnish meals to non-government speakers as an expense of conducting the training. For additional guidance, consult OC Policy Notice 92-

Chapter 2: Our Conference (continued)

07, page 3, “Procuring Subsistence for Training/Conferences/Meetings” and the EPA Travel Manual, Chapter 5.5.a. and b.

2. Honoraria. Generally, Agency appropriated funds may not be used to procure personal gifts to be given to nonfederal speakers.

(a) Contractual speaker fees, whether or not called “honoraria,” are permissible.

(b) If the speaker is a federal employee, the speaker is prohibited from receiving compensation for speaking related to his or her official duties. However, federal speakers may receive a modest nonmonetary award (e.g., plaques or mugs) to recognize an achievement, under the Government Employee Incentive Award Act. For more information and exceptions see the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635.201-205), August, 1992, and Office of Personnel Management Regulations (5 CFR Part 451.)

3. Procurement of Items for Distribution at EPA-Sponsored Conferences. Agency policy precludes the purchase of certain items, such as tote bags, drinking containers, and wearing apparel, for distribution to the general public and EPA employees who merely attend an Agency-sponsored conference. Other items with low cost and limited utility (e.g., bumper stickers, buttons, pens and pencils) may be distributed widely at Agency-sponsored conferences, provided the items convey an appropriate environmental message. See OAM Procurement Policy Notice 95-01, “Procurement of Items for EPA Sponsored Commemorations and Events.”

4. Registration Fees for EPA-Sponsored Conferences. Registration fees are payments collected by EPA or its contractor from private and other public participants who are attending an EPA-sponsored conference, and *must be deposited in the Treasury of the United States, unless the Agency has specific statutory authority to treat such fees differently.* See 31 U.S.C. 3302(b). EPA appropriation laws do not include general authority to accept donations. Agency policy states that organizations planning conferences and meetings should program and budget for the administrative costs of these conferences and meetings and avoid establishing registration fees, if at all possible.

Where it is necessary to establish registration fees, only expenses such as the costs of necessary supplies and materials, printing, rental of facilities and equipment, and other items will be included. Additionally, you can only charge a fee that will equal the actual costs of these materials. Mandatory registration fees should not include the cost of meals and unallowable items, such as entertainment, coffee, snacks, cocktails and other similar items of a refreshment nature. However, any fees collected must be deposited in the Treasury. See the EPA Travel Manual.

5. Travel. There are strict rules governing travel expenses incurred for EPA-sponsored conferences. (*Note:* The rules governing travel for conferences and meetings that the Agency conducts, and those carried out by recipients under grants and cooperative agreements, are

Chapter 2: Our Conference (continued)

significantly different. In addition, travel rules differ for federal and nonfederal participants and attendees.)

(a) Travel for Federal Employees. The Agency's appropriation allocates specific amounts to finance necessary personnel expenses, including travel. These accounts are separate from other accounts that fund contracts, grants, and other "extramural" operations of the Agency. Therefore, a federal employee's travel expenses cannot be funded by an organization using EPA extramural funds for that conference. Travel costs for EPA staff to participate in a conference are covered as personnel expenses and may include registration fees as appropriate. Staff participation is authorized for conferences relating to matters that would improve the conduct, supervision, or management of Agency functions or activities. Agency policy requires management to ensure that attendance at conferences "be authorized only to the extent that it will provide direct benefit in achieving objectives related to EPA's mission." Cost effectiveness in achieving our mission should be our basic guide. See the EPA Travel Manual, Chapter 3.16.(a), (b) and (c). In some cases, EPA may choose to cover travel and subsistence expenses for other federal employees to participate in an EPA conference, assuming the other federal employee's need to travel is directly attributable to activities associated with the conference. This is not invitational travel, under 5 U.S.C. 5703. The Agency can either issue an EPA travel order directly to the employee or can reimburse the employee's agency through an IAG. For additional guidance, see memorandum from GAD Director to EPA IAG Project Officers, dated Sept. 30, 1996.

When the conference is within 50 miles of the employee's duty station, the general rule is that only such out of pocket expenses as POV mileage, parking fees, taxi, or subway fares can be reimbursed. Waivers may be granted for EPA national conferences within the 50-mile radius in certain limited circumstances. See the EPA Travel Manual, Chapter 5.5.

(b) Travel for Nonfederal Participants and Attendees. EPA may pay for travel and subsistence expenses for nonfederal conference participants under invitational travel orders when the individual performs a direct service for the Agency (e.g., facilitator, speaker, panelist, or FACA member). Agency travel funds used for invitational travel orders are charged against the inviting office's travel ceiling budget. Individuals receiving invitational travel orders must follow federal travel regulations, except they cannot receive travel advances. See 5 U.S.C. 5703 and the EPA Travel Manual, Chapter 3. The Agency cannot use invitational travel authority to enable nonfederal personnel to merely attend conferences that the Agency sponsors. Generally, appropriated funds cannot be used to pay for travel, transportation, and subsistence expenses for nonfederal attendees unless such payments are specifically authorized by law. See 31 U.S.C.1345.

If the Agency pays travel for **FACA members**, it must be through invitational travel orders because FACA members are providing a service to the Agency with their advice and consultation. See 5 U.S.C. App. 2, Section 7 (d)(1)(B) and the EPA Travel Manual, Chapter 3.3.

Chapter 2: Our Conference (continued)

(c) Contractors. A contract, including a purchase order, can include travel costs for an individual performing services within the scope of the contract, such as providing logistical services, training, peer review, or presentations. However, you must not violate the Agency's policies prohibiting "directed subcontracting" by specifying to the contractor whom to hire. See OAM Procurement Policy Notice 97-01, "Required Practices Concerning Subcontracts." A contract cannot be used to procure travel for nonfederal individuals who merely attend the conference. See OGC Memorandum, dated Sept. 22, 1993, "Payment of Travel Expenses of Non-Federal Participants at EPA Meetings."

(d) Authorization for Conference Travel. Travel to EPA sponsored, co-sponsored, or non-EPA sponsored conferences by 30 or more EPA employees must be authorized by the Assistant Administrators/Regional Administrators. This includes invitational travelers whose travel expenses are being paid by EPA. See the EPA Travel Manual, Chapter 3.16.(a), (b) and (c).

6. Printing of Conference Material. EPA will, as a matter of Agency policy, follow Government Printing Office (GPO) procedures. EPA's Printing Officer acts as the Agency's central management office and has responsibility for controlling EPA printing. Any questions regarding whether a particular printing need falls within an exception to obtaining printing services through GPO should be directed to the EPA Printing Officer. Circumvention of EPA policy prohibiting the use of commercial printing services to print government documents, without authorization from GPO, is a serious matter.

D. Location. Government-owned or government provided conference facilities should be used to the maximum extent possible. If there is no space available in the Agency, managers should contact the Facilities Office, which will contact GSA to determine if suitable government-owned facilities are available in the desired area. The use of government-owned facilities versus commercial facilities will be based on Agency need and overall cost of the conference. All Assistant Administrators/Regional Administrators and senior managers are responsible for ensuring that meeting sites are, to the extent feasible, held in or near EPA regional cities or major laboratory facilities. However, there may be occasions where it is advantageous to select a site outside the local area in order to focus on issues without local distractions. All EPA-sponsored conferences, meetings, or training seminars being held in hotels or motels must comply with the Hotel and Motel Fire Safety Act of 1990. A list of hotels and motels that comply with the Act can be found in the monthly publication of the Federal Travel Directory issued by GSA. See the EPA Travel Manual, Chapter 4.2.(d) and for additional information, see Federal Travel Regulations, 41CFR Parts 301-16 and 301-17.

When EPA holds a conference involving travel by 30 or more EPA employees or other travelers whose expenses are being paid by EPA, a cost comparison justifying the conference location must be prepared. See the EPA Travel Manual, Chapter 3.16.(a), (b) and (c).

CHAPTER 3: THEIR CONFERENCE

A. Supporting a Conference Sponsored by a Nonfederal Entity -- Overview. If you have reviewed Chapter 1 and decided that the conference is “theirs,” EPA can provide financial support in the form of grants, cooperative agreements, and Cooperation Authority Interagency Agreements authorized by EPA program statute, provided EPA has the statutory authority. For general guidance, see EPA Order 5700.1, “Policy for Distinguishing Between Assistance and Acquisition.” The Agency encourages fair and open competition in the award of discretionary assistance agreements in accordance with the Federal Grant and Cooperative Agreement Act of 1977. For additional guidance, see Grants Management Fact Sheet No. 9, “Competition for Assistance Agreements.”

B. Funding and Other Support Instruments.

1. Assistance Agreements

(a) Grants may be used to support the conference if **all** of the following tests are met and documented:

- (i)** it is to accomplish a public purpose of support or stimulation, not for our direct use or benefit (see Chapter 1 of this guide);
- (ii)** it is for an eligible nonfederal entity (most statutes exclude profit making companies);
- (iii)** the principal purpose is to transfer money or other things of value;
- (iv)** it is authorized by law (you must cite a statutory authority for using an assistance agreement to support the conference); and finally
- (v)** EPA is not substantially involved in the work and we do little more than watch for progress and problems.

(b) Cooperative Agreements are essentially the same as grants and may be used if the conference meets tests (i)-(iv) above. The difference is that cooperative agreements must be used when EPA anticipates “substantial involvement” in the assistance relationship. Cooperative agreements, like grants, may not be used when the purpose of the agreement is to acquire services, information, or “stakeholder input” for the direct use and benefit of the government. See EPA Order 5700.1.

(c) Assistance Agreements (grants and cooperative agreements) may also be used to support a conference of state or tribal officials implementing a federal effort under a formal delegation or as partners with EPA in a coordinated, national effort. Although the states or tribes provide information or recommendations to EPA, the principal purpose of the assistance is to support the participation of states or tribes in the development of environmental policies and programs that they implement. For detailed guidance, see EPA Order 5700.1, pages 8-9. (These kind of conferences may also be Jointly Sponsored. See Chapter 4.)

2. Cooperation Authority Interagency Agreements Authorized by EPA Program Statute involve mutual cooperation and investment of resources between the cooperating federal agencies with an overlapping mission and interest in the project. For example, both agencies

Chapter 3: Their Conference (continued)

could contribute resources and fund the conference arrangements through a grant, cooperative agreement, or contract awarded by one of the agencies. GAD maintains a list of program statutes that authorize such cooperation. EPA cannot use an IAG to provide funds to another agency to award a grant that EPA cannot award itself. For additional guidance, consult memorandum from GAD Director to IAG Project Officers, “IAG Decision Memorandum Guidance, Pre-award Activities, and Subcontractor Selection,” dated Sept. 30, 1996. (*Note: If EPA provides funds to another agency under an IAG, the IAG is subject to that agency’s requirements, unless a specific term and condition imposes EPA’s requirements.*)

3. In-Kind Assistance. The Agency may provide support other than direct monetary assistance. For example, we could devote EPA staff time, space, copying equipment and supplies. We could also agree to prepare papers for submission to a conference, provide EPA speakers, or make facilities available. In addition, the services of an EPA contractor, such as a logistics contractor or a meeting support contractor, can be provided as a form of in-kind assistance. A determination must be made that providing contractual services instead of funds is more economical. The cost of the contractual services must be charged to the grants object class and should be documented in the assistance agreement if possible.

C. Allowability of Costs -- Overview. Many of the constraints associated with funding an EPA-sponsored conference do not apply to funding nonfederal entities’ conferences through federal assistance agreements. However, grant costs must comply with applicable assistance regulations. See 40 CFR Parts 30 and 31.

Both EPA employees and assistance recipients are responsible for assuring that costs for conference activities are allowable, reasonable, and allocable to the grant. Agency staff responsibilities include performing a careful review of proposed conference activities and the assistance agreement that funds the conference. Reviews are conducted to identify costs that are unreasonable and unallowable or need further explanation or documentation. All reviews should be documented. Also, assistance recipients must comply with OMB Circular A-122, “Cost Principles for Non-Profit Organizations,” OMB Circular A-21, “Cost Principles for Educational Institutions,” or OMB Circular A-87, “Cost Principles for State and Local Governments.” See also Part 31 of the FAR, which provides cost principles for assistance recipients that are profit organizations.

1. Entertainment vs. Education. As a general rule, assistance funds may not be used for entertainment costs. Entertainment, as defined in the General Accounting Office’s Principles of Federal Appropriations Law, Volume I, Chapter 4, includes “a source of amusement, a diverting performance, especially a public performance, such as a concert, drama, or the like.” Providing technical policy, or program information to educate the public at a conference is allowable. The distinction between unallowable entertainment and allowable education costs is not always clear. What the recipient sees as an interesting and informative presentation, the general public or auditors may see as entertainment. The recipient should adequately document the purpose of expenses that may be perceived as entertainment. See OMB Circulars A-21, A-87, and A-122 for unallowable costs.

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2. Meals and Refreshments. The costs of meals and refreshments may be charged to assistance agreements only to the extent that they are allowable under the OMB Circulars A-21, A-87, and A-122. Generally, the cost of meals that are essential to the business of a conference because they are accompanied by presentations or panel discussions are not likely to be questioned. Also, refreshments at breaks are generally allowable, provided the costs are reasonable.

3. Travel. The rules governing travel for conferences and meetings that the Agency conducts, and those carried out by recipients under grants and cooperative agreements, are significantly different.

(a) Nonfederal Attendees. Assistance funds can be used to defray transportation and subsistence expenses for nonfederal attendees in conferences that the recipient carries out. The decision as to who receives transportation and subsistence expenses is the recipient's, not EPA's, and EPA should avoid even the appearance of directing the recipient to provide travel to specific individuals.

(b) Federal Employee Travel. Agency employees may attend recipient conferences as part of their official duties. However, assistance funds **cannot** be used to fund travel for federal employees because this would circumvent limits on government travel ceiling. See Ethics Advisory 92-26, "Revised Rule on Acceptance of Travel Expenses," dated Dec. 24, 1992. EPA may use its own travel funds to enable a federal employee to attend a conference relating to matters that would improve the conduct, supervision, or management of Agency functions or activities. A nonfederal organization can use its own funds (not part of a match for a grant or cooperative agreement) to pay for EPA employee travel provided the appropriate Ethics Advisories are followed. You should consult an Agency Ethics Advisor for guidance. See also Ethics Advisory 92-26, Ethics Advisory 97-05, "Addendum to EPA Ethics Advisory 92-26, Accepting Travel Expenses," dated March 13, 1997, and Ethics Advisory 94-17, "Providing Speakers at Conferences, Seminars, and Similar Events," dated April 13, 1995, and Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635).

(c) 30 or More Federal Attendees. Travel to any conference, including conferences sponsored by recipients, involving travel by 30 or more EPA employees must be authorized by the Assistant Administrators/ Regional Administrators. See the EPA Travel Manual, Chapter 3.16.(a), (b) and (c). The number of employees attending the conference (whether they pay registration fees or not) must not create the appearance that the conference is being conducted for EPA's direct use and benefit.

4. Registration Fees. Registration fees are payments collected by the assistance recipient from attendees to a conference. Project officers managing assistance agreements that support conferences should always find out in advance whether registration fees will be collected, and if so, how those fees will be used. Project officers should address the definition and disposition of program income in a term and condition of the assistance agreement. See 40 CFR Parts 30.24

Chapter 3: Their Conference (continued)

and 31.25. Registration fees are considered program income, under the grant regulations, if the activity generating the fee is within the scope of work and is funded by the assistance agreement. In such cases, registration fees, as program income, must be accounted for and used to defray allowable costs under the agreement. Fees for events conducted independently of the assistance agreements, which are not financed under the assistance agreement, are not subject to program income rules.

D. Use of EPA Logo. Use of the Agency's logo in connection with promotion or sale of non-government produced goods or services is forbidden. See EPA Order 1015.2A, "EPA Seal and Agency Identifier." Promotional material for conferences conducted under grants and cooperative agreements may acknowledge that the conference receives financial support from the Agency under an assistance agreement, but cannot use the logo on a conference brochure in a manner that implies that the conference is being conducted by EPA. These conferences should be described as the recipient's event, not EPA's.

E. Lobbying. Federally funded conference activities cannot include lobbying. See OMB Circulars A-21, A-87, and A-122.

F. Printing of Conference Material. An assistance recipient conducting a conference may use its grant funds for printing conference material (e.g., brochures/proceedings/reports). EPA may also print conference materials as a form of in-kind assistance provided the Agency follows GPO printing procedures.

G. EPA's Use of Assistance Recipients' Conference Proceedings and Reports. The Agency has the irrevocable and non-exclusive right to reproduce and publish, use, or authorize others to use conference proceedings and reports for federal government purposes. However, EPA's use of a conference proceeding or report must be incidental to the principal purpose of the assistance agreement. See EPA Order 5700.1 and 40 CFR Parts 30.36 and 31.34.

H. Free Attendance by EPA Employees. Agency employees may attend recipient conferences as part of their official duties. However, the number of employees attending the conference without paying registration fees must not create the appearance that the conference is being conducted for EPA's direct use and benefit.

I. Location. All conferences, meetings or training seminars EPA sponsors or funds, in whole or in part, which are held in hotels or motels must comply with the Hotel and Motel Fire Safety Act of 1990. This applies to the government of the District of Columbia *only* when it expends federal funds for a conference and to non-federal entities when government funds are provided for the conference. A list of hotels and motels that comply with the Act can be found in the monthly publication of the Federal Travel Directory issued by GSA. See the EPA Travel Manual, Chapter 4.2.(d) and Federal Travel Regulations, 41CFR Parts 301-16 and 301-17.

CHAPTER 4: JOINTLY SPONSORED CONFERENCES

A. Supporting a Jointly Sponsored Conference -- Overview. "Co-sponsorship" occurs when EPA and a nonfederal entity share a mutual interest in the subject matter and jointly develop a conference related to EPA's mission. The co-sponsors must have a substantial interest in the subject matter of the conference although their individual goals may be different. After you have reviewed Chapter 1 and decide that the conference may be "jointly sponsored," you should also consult EPA Ethics Advisory 96-15, "Guidance on Co-sponsoring Conferences," which covers restrictions on jointly sponsored conferences. In order to avoid any misunderstandings when you hold a jointly sponsored conference, it is important that EPA have an advance written agreement with its co-sponsor(s) describing the intended roles and responsibilities of each co-sponsor.

B. Areas of Concern.

1. Appearance. EPA may actively seek out prospective co-sponsors. Whether EPA is actively seeking or has been approached with a co-sponsorship proposal, it is important to avoid:

(a) Appearance of coercion, that is, creating the reasonable impression that EPA is coercing or being coerced by an outside entity to become a co-sponsor.

(b) Appearance of favoritism. To avoid creating the appearance that EPA is favoring certain entities, we should, where practicable, inform all similarly situated nonfederal entities of the opportunity for co-sponsorship. We should be able to explain why we chose a particular co-sponsor over another.

(c) Appearance of EPA endorsement of the policies, activities, or products of the co-sponsor. Co-sponsorship does not imply the Agency's endorsement of the co-sponsor's general policies, activities or products, and event-related materials. Nonfederal sponsors must agree to clear all promotional materials for the event with the Agency.

(d) Appearance of improper influence on EPA decisions. When seeking to co-sponsor a conference with an entity that seeks some official action by EPA, is regulated by EPA, or seeks EPA funding, you should consult your Ethics Advisor.

2. Augmentation of Appropriated Funds.

(a) **No "funds only" Co-sponsorships.** Co-sponsorships improperly augment EPA appropriations when the nonfederal entity contributes only funds, logistical services, or other material support, but does not actively participate in developing the program. In that case, it is not really a jointly sponsored conference, but "our" conference for which we have received outside funds. For the same reason, co-sponsors must have a demonstrable substantive interest in the subject matter of the event.

Chapter 4: Joint Conference (continued)

(b) Events Solely for Government Employees. To avoid improper augmentation of appropriations, EPA should not co-sponsor events which will be attended only by federal employees.

(c) Registration Fees. Generally, registration fees collected by EPA, or its contractors, must be deposited in the Treasury as miscellaneous receipts, as required by 31 U.S.C. 3302. If authorized by EPA, an assistance recipient may retain and use conference fees as "program income." (See Chapter 3.) A co-sponsor, who does not receive assistance, may also collect fees to cover its share of expenses (e.g., expenses a co-sponsor, rather than EPA, is obligated to pay if there is a shortfall in fees). To avoid misunderstandings, you should have an advanced written agreement on who collects fees and their use. For additional guidance, consult Ethics Advisory 96-15.

3. Lobbying. Since appropriated funds are being used to support EPA co-sponsored conferences, the Anti-Lobbying Act of 1919 and any government-wide lobbying restriction contained in an Appropriation Act is applicable. Although information regarding the substance of pending legislation can be a part of a conference agenda, the conference cannot be a forum for encouraging a "grassroots" lobbying campaign to influence Congress. For additional guidance, see memorandum from OGC, "Appropriation Act Lobbying Restrictions," dated July 9, 1997.

C. Instruments -- Overview. For jointly sponsored conferences, acquisition instruments, as discussed in Chapter 2, or cooperative agreements, as discussed in Chapter 3, may be used. Choice of instruments, or use of more than one instrument, should be carefully considered in order to ensure that EPA's costs, as well as an assistance recipient/co-sponsor's costs, are allowable under the chosen instrument. See Section D of this chapter for an example of a jointly sponsored conference involving both acquisition and assistance instruments, and Section E regarding allowability of costs.

1. Acquisition. EPA may undertake its responsibilities as a co-sponsor of a conference with contractual and other support discussed in Chapter 2 of this guide. See also OAM's guide, "Your Preparation Guide for Conferences/Meetings/Training."

2. Assistance Agreements may be used to support the co-sponsor's efforts in connection with the conference as long as the financial assistance is used to support a public purpose rather than for EPA's direct use or benefit (examples of direct use or benefit are to assist in development of Agency regulations or guidance, evaluate EPA programs, or discuss the Agency's positions with stakeholders). Jointly sponsored conferences require the involvement of the Agency. Therefore, cooperative agreements rather than grants should be used to fund these conferences, and the program's substantial involvement would be included under the "terms and conditions" of the assistance agreement.

Even under a cooperative agreement, the Agency's substantial involvement must avoid the appearance of circumventing the invitational travel restrictions. See the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635) and also Chapters 2 and 3 of this

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guide for details. If assistance funds are used to pay nonfederal travel expenses, the decision as to who receives transportation and subsistence expenses is the recipient's, not EPA's. The Agency should avoid even the appearance of directing the recipient to provide travel to specific individuals. See Chapter 3 of this guide for details.

D. Funding Instruments: Hypothetical Example of a Jointly Sponsored Conference Using Multiple Instruments. EPA, an association of state governmental agencies, a tribal organization, and a civil rights non-governmental organization (NGO) decide to co-sponsor a conference on environmental justice (EJ). EPA chairs an Interagency Working Group on EJ under the EJ Executive Order and has taken a leading role in addressing EJ concerns. The conference provides a wide range of interested parties with information on various perspectives on EJ and governmental implementation. Speakers include federal and state officials, tribal representatives, academics, minority community activists, and representatives of environmental and civil rights NGOs. The conference is open to attendance by federal, state, tribal, and local government staff, members of tribes, interested citizens, university faculty and students, and industry and business representatives from throughout the United States. The co-sponsors work together to develop the substantive agenda, identify speakers and panelists, and promote attendance. Approximately 70% of the attendees are nonfederal.

The following are examples of funding instruments, and an explanation of why they are -- or are not -- appropriate for funding certain conference costs:

1. Contract.

- EPA provides logistical support for the conference through a contractor. Because EPA is a co-sponsor of the conference, this is appropriate.
- One of the non-EPA co-sponsors asks the contractor to make travel arrangements for some students to attend the conference. This is not appropriate. First, the contractor may only take direction from the authorized EPA project officer or contracting officer. Second, because simply attending the conference does not meet the criteria for invitational travel under 5 U.S.C. 5703, the students' travel is not an allowable cost under an EPA contract.

2. Cooperative Agreements.

- (a) Existing cooperative agreement between EPA and the co-sponsoring association of state governmental agencies:
 - The purpose of the association's cooperative agreement is to carry out activities related to implementation of EJ requirements, including collecting and analyzing economic and social science data on siting hazardous waste facilities and disseminating this information to local governments and communities. The association pays the travel costs of some local officials and community leaders to attend the conference. The costs are allowable because they further a purpose of the cooperative agreement, and the association, rather than EPA or its contractor, decided who would receive the

Chapter 4: Joint Conference (continued)

travel assistance and made all travel arrangements. The association's participation in the conference was intended principally to further the interests of the association and its membership rather than to provide logistical or other services to EPA.

(b) New Cooperative Agreement between EPA and the tribal organization co-sponsor:

- The purpose of the cooperative agreement is to assist tribes in developing the capacity to understand environmental issues affecting their communities and to participate in solving their environmental problems. One of the activities under the cooperative agreement is co-sponsorship of the conference. Costs associated with this activity are for publicizing the conference, developing printed material for the conference about tribal EJ concerns, paying travel expenses for tribal speakers and attendees, and producing an EJ information source book for tribes and tribal community groups to use after the conference. A cooperative agreement is appropriate because EPA is substantially involved in the tribal association's capacity building activities, including joint sponsorship of the conference.
- The tribal organization also decides to sponsor a social reception at the conference, including alcoholic beverages, food, and Native American music. The costs of the reception are not allowable under the cooperative agreement because they are for entertainment. This is an independent event and not part of the co-sponsored conference, therefore EPA (and its contractor) are not involved in the planning or organizing of the reception. However, information materials for the conference can include a reference to the event. See Ethics Advisory 96-15.

E. Allowability of Costs Overview. Only a contracting officer or a grants award official has the authority to obligate the federal government to expend funds. If you are not a contracting officer, you cannot make any financial commitments to hotels or other vendors. Anyone who undertakes to commit the government to expend funds without authority risks being held personally liable by the vendor for payment and subject to EPA disciplinary action.

The cost principles and regulations applicable to the selected funding instruments remain in effect. Joint sponsorship does not affect the rules regarding allowability of costs under contracts or assistance agreements (cooperative agreements). See Chapter 3, Section C of this guide for allowability of costs under assistance agreements.

F. Issues Relating to Jointly Sponsored Conferences.

1. Free Attendance for EPA Employees. If EPA and the nonfederal co-sponsor agree that Agency employees will be allowed to attend the event for free, they may do so at the discretion of their supervisor. Free attendance includes the waiver of all or part of any registration fee, and the provision of food, refreshments, entertainment, instruction, and materials furnished to all attendees as part of the event at the co-sponsor's expense. It does not include travel expenses, lodging, or meals taken other than in a group setting with all attendees. If EPA employees are to

Chapter 4: Joint Conference (continued)

receive a waiver of registration fees, that should be documented in an advance written agreement with the co-sponsor. See Ethics Advisory 96-15, "Guidance on Co-Sponsoring Conferences."

2. EPA Property and Services. EPA supplies and property can be used by the nonfederal co-sponsor only to directly support the jointly sponsored event. For example, you should not provide the co-sponsor with franked envelopes without careful monitoring of their use. See the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635, Subpart G, "Misuse of Position" Aug. 1992).

3. Social Events. EPA may not be a co-sponsor of an event that is primarily social in nature. However, EPA may jointly sponsor an event that has a social component (such as a modest reception), so long as the event has a primarily educational or informational purpose that is related to EPA's mission. Agency assistance funds cannot be used for entertainment. See paragraphs F. 6 and 7 of this Chapter regarding Food and Refreshments.

4. Co-sponsors' Independent Events. If a co-sponsor independently funds (not using federal funds or its match) a discrete portion of the conference (e.g., a reception), Agency staff should not assist the co-sponsor in planning or organizing this event except to the extent necessary to coordinate the overall program. In addition, Agency property or facilities should not be used for this purpose. However, informational materials about the overall conference may include information about the co-sponsor's independent activity. See the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635 Subpart G, "Misuse of Position" Aug. 1992). We recommend you consult OGC's Finance and Operations Law Office or your Regional Counsel for further guidance.

5. Fundraising. EPA shall not assist in fundraising for the co-sponsor's share of the event. Where a co-sponsor intends to solicit funds from other sources for its share of costs, EPA should receive assurance that: (1) the solicitation will make clear that the requester is the co-sponsor, not EPA; (2) the co-sponsor will not imply that EPA endorses any fundraising activities; and (3) any gifts will be used solely for co-sponsor's share of expenses, not EPA's.

6. Food and Refreshments for EPA Employees. EPA may not use appropriated funds for food and refreshments for EPA employees attending co-sponsored events at their official duty stations except as authorized by the Government Employees' Training Act at 5 U.S.C. 4101. If a nonfederal co-sponsor imposes a charge for conference related meals that it furnishes, the Agency can pay for the meals provided: (1) the meals are incidental to the meeting (in other words, the participants are getting together to do more than eat); (2) the employee's attendance at the meals is necessary to full participation in the business of the conference; and (3) the employee is not free to take the meals elsewhere without being absent from essential formal discussions, lectures or speeches concerning the purpose of the conference. See GAO's Principles of Federal Appropriations Law, Volume I, Chapter 4, pages 4-88 and 4-89. Agency employees who are in travel status can include the meal cost on the travel voucher, and must also adjust their per diem claim downward by a formula which takes into account the fact that meal costs were reimbursed as part of the meeting expenses.

Chapter 4: Joint Conference (continued)

If EPA employees are attending a co-sponsored event where food and refreshments are provided by the nonfederal co-sponsor, without charge, they may participate if authorized under the Ethics Regulations. Otherwise, the rules cited in Chapter 2 of this guide apply. See also Ethics Advisory 96-15.

7. Food and Refreshments for Nonfederal Attendees. EPA may not use appropriated funds for food and refreshments for nonfederal attendees unless: (1) the recipient is participating as a speaker in a training event (see the Government Employees Training Act, 5 U.S.C. 4101); (2) the recipient is providing a direct service to the Agency and has received "invitational travel orders" under 5 U.S.C. 5703, in which case other travel expenses may also be paid; or (3) the Administrator's "reception and representation" fund is used. Also, conference attendees may voluntarily "pass the hat" to pay for food and refreshments.

8. Use of EPA Logo. The official logo may be used on promotional and conference materials for conferences EPA jointly sponsors with outside groups. The co-sponsor's logo should also be used on promotional and conference materials and should be displayed at least as prominently as EPA's. See EPA Order 1015.2A "EPA Seal and Agency Identifier."

9. Printing of Conference Material. EPA must comply with GPO printing requirements if it prints conference material (e.g., brochures or conference proceedings and reports). See Chapter 2 for additional guidance. An assistance recipient (the co-sponsor) may use its grant funds to print conference material, as discussed in Chapter 3.

10. Location. If EPA is responsible for selecting the conference site and paying for the facility and the conference involves travel by 30 or more EPA employees, or other travelers whose expenses are being paid by EPA, a cost comparison justifying the location must be prepared. See the EPA Travel Manual, Chapter 3.16.(a), (b) and (c).

All conferences, meetings or training seminars EPA sponsors or funds, in whole or in part, which are held in hotels or motels must comply with the Hotel and Motel Fire Safety Act of 1990. This applies to the government of the District of Columbia *only* when it expends federal funds for a conference and to non-federal entities when government funds are provided for the conference. A list of hotels and motels that comply with the Act can be found in the monthly publication of the Federal Travel Directory issued by GSA. See the EPA Travel Manual, Chapter 4.2.(d) and for additional information, see Federal Travel Regulations, 41CFR Parts 301-16 and 301-17.

CHAPTER 5: MAINTAINING PROPER DOCUMENTATION

Clear and complete documentation is crucial for effective management of assistance and acquisition instruments. Fully documenting the who, what, where, when, and why of your conference will be very helpful in the event of an audit, when you will be asked to provide up-to-date and complete records.

Depending on the funding instrument used to support a conference, the documentation required will differ. For required documentation on contract files, you should consult the Contract Management Manual and the Contract Administration Training Manual, Chapter 6, which provides a helpful file plan. For required documentation for assistance agreements, you should consult the Managing Your Assistance Agreement Training Manual, Appendix Q, Official EPA Project File, and Grants Management Fact Sheet No. 10, "Assistance Agreement File Documentation."

One of the most critical documents for assistance agreements is the decision memorandum, justifying the use of an assistance agreement versus a contract to support conference activities. If the objective of the project is to conduct a conference, GAD's "Guidance for Preparing an Assistance Funding Package," dated April 28, 1997, requires that you address the following in the memorandum:

- Who is initiating the conference?
- How will it be advertised?
- Whose logo will be used for materials?
- What is the percentage of participants (i.e., feds, public, state/local)?
- Will the recipient prepare the proceedings and disseminate the information back to the targeted community?

When you hold a jointly sponsored conference, in order to avoid any misunderstandings, it is important that EPA have an advance written agreement with co-sponsor(s) describing the intended roles and responsibilities of each co-sponsor. The following is a checklist of some important documents that should be retained in the official project file for an assistance agreement or a contract:

- Application for assistance agreement
- Assistance agreement (agreement joint application)/award documents or Contract
- Co-Sponsorship agreement for conferences
- Decision memo for assistance agreements
- AA/RA justification for conferences with more than 30 EPA travelers
- Amendments and modifications to the original document(s)
- Financial information/reports, copies of progress reports
- Memoranda/correspondence/agendas/proceedings/papers including programmatic reviews
- Documentation of telephone conversations and meeting reports
- Reviews and audits conducted on the project
- Final reports and closeout information

REFERENCE LIST BY SUBJECT MATTER

A. Introduction. This is a list, grouped by subject matter (travel, food, etc.), of commonly referenced documents containing information relating to EPA's and its employees' involvement in conferences. Many of the documents cited in this reference list and the Best Practices Guide for Conferences are available electronically. Office of the Comptroller Policy Announcements and Transmittals (all OC Policy Announcements and Transmittals issued before May 1995 have been incorporated into the EPA Travel Manual) and the EPA Travel Manual can be accessed at <http://intranet.epa.gov/fmdvally/rmd.htm>. The Contracts Management Manual and Procurement Policy Notices can be accessed at <http://intranet.epa.gov/oamintra>. Many OIG reports can be found on EPA's Home Page under Offices and Labs/Office of the Inspector General, also check <http://intranet.epa.gov/oigalsii/cimi>.

You can also access GAO Comptroller General Decisions (since October 1995) and the Principles of Federal Appropriations Law (the Red Book) through GAO's home page at www.gao.gov. The Code of Federal Regulations and the United States Code are accessible through EPA's home page under Regulations. Executive Orders and OMB Bulletins and Circulars can be accessed through www.whitehouse.gov.

B. General Acquisition and Assistance Requirements.

Contracts Management Manual: Covers issues related to the EPA acquisition process.

Procurement Policy Notice No. 97-01 - Required Practices Concerning Subcontracts, Jan. 8, 1997: Includes prohibition against "directed subcontracting."

Simplified Acquisitions Made Easy, April 1998: Provides accessible policies, procedures and guidelines for simplified acquisitions. This Q&A guidance is provided on the OAM intranet site (<http://intranet.epa.gov/oamintra>)

Procurement Policy Notice No. 95-01- Procurement of Items for EPA Sponsored

Commemorations and Events, April 10, 1995: Provides guidance regarding the purchase of items to be distributed to the general public and EPA employees.

EPA Order 5700.1, Policy for Distinguishing Between Acquisition and Assistance, March 22, 1994: Clarifies the criteria for and to achieve consistency in selection and use of contracts, cooperative agreements and grants by all EPA offices and laboratories.

Memorandum from GAD Director to IAG Project Officers, Sept. 30, 1996: Provides IAG decision memorandum guidance, pre-award activities, and subcontractor selection.

Managing Your Financial Assistance Agreement Training Manual -- Project Officer Responsibilities, EPA 202-B-94-001, Oct. 1996: Identifies administrative responsibilities of project officers, grants management offices (GMO), financial management offices (FMO), and other players involved in the management of assistance agreements.

Participant Reference Manual - Office of Research and Development Project Officer's Course for Assistance Management (Grants and Cooperative Agreements) Sept. 1995: Identifies administrative responsibilities of project officers, grants management offices (GMO), financial management offices (FMO), and other players involved in the management of assistance agreements.

Reference List (continued)

Grants Management Fact Sheet No. 9 - Competition for Assistance Agreements: Addresses the need to encourage competition in the award of assistance agreements.

Grants Management Fact Sheet No. 10 - Assistance Agreement File Documentation: Addresses the need to adequately document assistance agreement files, particularly with regard to relevant communication.

Guidance for Preparing an Assistance Funding Package, April 28, 1997: Addresses the need for justification in Decision Memoranda when using assistance for conferences.

C. Conference Planning and Site Selection

The EPA Travel Manual (Chapter 2550B of the Resources Management Directives System) of 1995: Incorporates all travel-related Policy Announcements and Transmittals issued by the Office of the Comptroller after May 1988 through May 1995. See Chapter 5.

Your Preparation Guide for Conferences/Meetings/Training, May 1995: Explains how to provide logistic support for conferences through small purchase procurement.

EPA Ethics Advisory 96-15, Guidance on Co-Sponsoring Conferences, Oct. 17, 1996: Addresses legal and ethical issues that arise in connection with co-sponsored conferences.

EPA Order 1015.2A - EPA Seal and Agency Identifier, Dec. 27, 1978: Updates requirements for use of official EPA seal and provides directions for use of Agency Identifier.

EPA Ethics Advisory 94-17-- Providing Speakers at Conferences, Seminars, and Similar Events, April 13, 1995: Suggests things to consider when EPA employees are asked to actively participate in non-government conferences.

Committee on Integrity and Management Improvement Bulletin 95-4, Conferences and Meetings, May 1995: Highlights EPA's policy on scheduling conferences and meetings.

D. Travel

The EPA Travel Manual (Chapter 2550B of the Resources Management Directives System) of 1995: Incorporates all travel-related Policy Announcements and Transmittals issued by the Office of the Comptroller after May 1988 through May 1995.

On The Way With EPA, A Reference Guide for Travel: Answers commonly asked questions regarding official temporary duty (TDY) travel for EPA employees and EPA funded travel for non-EPA employees (invitational travelers).

EPA Ethics Advisory 92-26, Revised Rule on Acceptance of Travel Expenses, Dec. 24, 1992: Advises that assistance funds **cannot** be used to fund travel for federal employees because this would circumvent limits on government travel ceiling. See also **EPA Ethics Advisory 96-19, New One-Page Travel Acceptance Form**, Dec. 17, 1996, which provides a revised attachment to Ethics Advisory 92-26; and **EPA Ethics Advisory 97-05 Addendum to EPA Ethics Advisory 92-26, Accepting Travel Expenses**, March 13, 1997.)

EPA Ethics Advisory 94-17, Providing Speakers at Conferences, Seminars, and Similar Events, April 13, 1995: Provides additional guidance on related travel issues.

Reference List (continued)

Related OGC Memoranda

Travel Expenses of Non-Government Employees, June 1982: Discusses the rules governing EPA's payment of travel expenses of non-government employees who attend meetings sponsored by EPA.

Compensation and Reimbursement of FACA Committee Members and Consultants, June 1, 1993: Explains when EPA can use contract funds to pay for travel, and when it must use Agency travel funds.

Reimbursement of Travel and Per Diem Expenses of Federal Advisory Committee Members, June 22, 1993: Advises that travel and per diem expenses of advisory committee members may only be paid through the issuance of invitational travel orders and charged to an appropriate EPA travel account.

Reimbursement of Travel Expenses of Members of Federal Advisory Committees Through an Interagency Agreement, Sept. 7, 1993: Discusses whether a contract issued under an IAG can be used to pay travel expenses of FACA members.

Payment of Travel Expenses of Non-Federal Participants at EPA Meetings, Sept. 22, 1993: Discusses whether it is appropriate to pay for the travel expenses of individuals, such as peer reviewers, by contract.

E. Food

The EPA Travel Manual (Chapter 2550B of the Resources Management Directives System) of 1995: Incorporates all travel-related Policy Announcements and Transmittals issued by the Office of the Comptroller after May 1988 through May 1995. See Chapter 5.5.

Procurement Policy Notice (PPN) 94-10 - Contracting for Meals and Refreshments for Government Employees, Aug. 17, 1994: Sets forth the restrictions for direct acquisition of EPA employees' meals and refreshments, i.e., meals at conferences/meetings as part of authorized training, or meals or food and beverages at an official Agency ceremony.

F. Federal Advisory Committee Act Meetings (FACA)

The EPA Travel Manual (Chapter 2550B of the Resources Management Directives System) of 1995: Incorporates all travel-related Policy Announcements and Transmittals issued by the Office of the Comptroller after May 1988 through May 1995. See Chapter 3.3 and 3.6.

Related OGC Memoranda

Compensation and Reimbursement of FACA Committee Members and Consultants, June 1, 1993: Explains when EPA can use contract funds to pay for travel, and when it must use Agency travel funds.

Reimbursement of Travel and Per Diem Expenses of Federal Advisory Committee Members, June 22, 1993: Advises that travel and per diem expenses of advisory committee members may only be paid through the issuance of invitational travel orders and charged to an

Reference List (continued)

appropriate EPA travel account. It is not appropriate to reimburse travel or per diem expenses of advisory committee members through a contract.

Reimbursement of Travel Expenses of Members of Federal Advisory Committees Through an Interagency Agreement, Sept. 7, 1993: Discusses whether a contract issued under an IAG can be used to pay travel expenses of FACA members.

G. Lobbying

Related OGC Memorandum

Appropriation Act Lobbying Restrictions, July 9, 1997: Provides guidance on lobbying restrictions.